

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**JOEY MONTRELL CHANDLER**

**PETITIONER**

**V.**

**NO. 1:08CV093-A-D**

**CHRISTOPHER EPPS**

**RESPONDENTS**

**ORDER**

Petitioner filed this matter pursuant to 28 U.S.C. § 2254 challenging his state court conviction. Following the State's response to the habeas petition, Petitioner then filed a motion for summary judgment. On April 20, 2009, Magistrate Judge Jerry A. Davis recommended that the motion for summary judgment be denied as inappropriate. On May 4, 2009, Petitioner filed Objections to the Report and Recommendation.

Thus, the court finds that Petitioner's arguments are not well-taken and that the objections should be overruled for the reasons stated in the Report and Recommendation, which the court approves and adopts as its opinion.

THEREFORE, it is hereby ORDERED that

(1) Petitioner's objections to the Report and Recommendation of the United States Magistrate Judge are OVERRULED;

(2) the Report and Recommendation is APPROVED and ADOPTED as the opinion of this court; and

(3) Petitioner's motion for partial summary judgment (docket entry 38) is DENIED.

SO ORDERED, this the 12th day of May, 2009.

/s/ Sharion Aycock  
**UNITED STATES DISTRICT JUDGE**